

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**KIRK ANTHONY FRENCH, AND
TAMARA H. FRENCH,**

Plaintiffs,

VS.

KEYBANK NATIONAL ASSOCIATION,

Defendant.

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CASE NO. 4:12CV352

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE AND
FINAL ORDER OF DISMISSAL**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 4, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs' Motion to Remand (Dkt. 8) be DENIED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Plaintiffs' Motion to Remand (Dkt. 8) is DENIED.

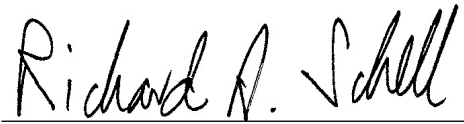
Further, on October 17, 2012, the parties filed a Joint Stipulation of Dismissal with Prejudice (*see* Dkt. 13). Therefore, in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), all claims and causes of action which were asserted or could have been asserted by Plaintiffs, Tamara

H. French and Kirk Anthony French, in this case, and any and all defenses which were or could have been asserted by Defendant, KEYBANK National Association, as against Plaintiffs in any answer or counterclaim, be and are HEREBY dismissed with prejudice to the rights of Plaintiffs and Defendant to re-file same.

This matter shall be closed on the court's docket, and all costs shall be borne by the party incurring same.

IT IS SO ORDERED.

SIGNED this the 28th day of March, 2013.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a capital 'R' and a dot over the 'i'. The middle initial "A." is written with a capital 'A' and a dot. The last name "Schell" is written with a capital 'S' and a dot over the 'i'. The signature is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE